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SENATE BILL 8

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO WATER WELLS; AUTHORIZING THE STATE ENGINEER TO  
REQUIRE ABANDONED WELLS TO BE SEALED; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. WATER WELLS-- AUTHORITY TO REQUIRE SEALING OF  
ABANDONED WELLS-- AUTHORITY TO ADOPT RULES AND PROCEDURES. --

A. The state engineer shall require that a water  
well that is abandoned be sealed by the owner of the property  
on which the well is located to prevent water supply  
contamination and to eliminate potential danger to people or  
animals. However, if the well can be rehabilitated and used  
safely and if the owner chooses to rehabilitate the well, the  
state engineer may require the owner by written notice, to put  
the well in a condition deemed to be safe by the state  
engineer within ninety days from the date of the notice.

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B. When notified of the location of an abandoned water well, the state engineer shall verify that the well is abandoned and should be sealed.

C. Within thirty days of determining that a well should be sealed, the state engineer shall notify in writing the owner of the land on which the well is located that the owner is required to seal his well within ninety days from the date of the notice to the owner.

D. The state engineer shall develop rules and procedures to implement and enforce this section.

E. For purposes of this section, "abandoned" means permanently retired from use or in a condition or state of disrepair that would prevent use or render continued use unsafe to a water supply, people or animals.

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.